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UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, D.C. 20415

Office of the Director

Executive Registry
85- 361/2

April 12, 1985

Honorable Casper Weinberger
Secretary of Defense
The Pentagon
Washington, D.C. 20301

Dear Mr. Weinberger:

Thank you for your letter of February 7, 1985, responding to my letter of January 16, 1985. I appreciate your concerns, but must advise you that the Department of Defense (DoD) remains subject to Executive Order 10450 on security and Executive Order 10577 on suitability. Likewise, the Office of Personnel Management (OPM) is required to enforce those orders and its other rules and regulations.

It is quite possible that you are correct in saying E.O. 10450 "no longer serves its intended purpose and that a new order should be issued." Although OPM has reservations on this, we have supported a review under the NSDD-84 process to study that proposition. This, however, by no means implies that existing executive orders will or should not be enforced until such time as changes may be made. Certainly, this is not OPM's view. OPM's best interpretation of the requirements of the existing executive orders is printed in Basic Installment 311, although we can interpret those orders independently of the Installment.

You raise concern with OPM's "program changes" in Basic Installment 311. We have not made any "program changes," but merely clarified our interpretation of the suitability and security programs which have always existed under the executive orders. Since these have been clarified, we have simply asked DoD to review its procedures in light of these clarifications. As you agree that your program "has not yet reached optimum effectiveness," this would seem to be simple, prudent management.

OPM remains willing to cooperate with DoD, both within the NSDD-84 study-group process, and in our oversight of the suitability and security systems for personnel investigations. The NSDD-84 precess, however, deals exclusively with security, not suitability -- a proposition DoD has supported officially under NSDD-84. Consequently, I expect that DoD will comply with our best interpretation of both security and, especially, suitability requirements as they exist under the executive orders and regulations now in effect. Rule 5 of E.O. 10577 and Section 14 of E.O. 10450, both require OPM to assure that agency requirements are consistent with such Presidential directives.

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Your letter has not satisfied the concerns raised in my letter of January 16, 1985. You still have been directed by the House Committee on Appropriations to come to an agreement with the Director of Central Intelligence and myself, concerning the adequacy of security investigations at DoD. The Director has informed me he wishes to participate and I believe a meeting is essential. I earnestly solicit such a meeting as soon as your schedule will allow.

Sincerely,

Donald J. Devine

cc: Hon. William J. Casey
Director
Central Intelligence Agency

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